THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.5403 of 2007

Date:16.03.2007

Between:

V.Krishna Kumari.

.. PETITIONER

AND

The Deputy Transport Commissioner and another

..RESPONDENTS

ORDER:

The petitioner is the owner of a bus bearing registration No.AP 16W 7555. It was seized by the second respondent on 11.03.2007 under a Vehicle Check Report bearing No.2355541. Several lapses were pointed out. The petitioner seeks release of the vehicle.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The question as to whether the petitioner committed lapses mentioned in the check report, needs to be examined in the enquiry or proceedings that would ensue under the provisions of the Motor Vehicles Act and Rules made there under. The continued seizure and detention of the vehicle does not sub-serve the purpose of the respondents. On the other hand, the vehicle would be exposed to damage and theft of parts. The interest of the parties can be protected by directing release of the vehicle, subject to certain conditions.

Hence, the writ petition is disposed of, directing release of the vehicle of the petitioner, on condition that she deposits a sum of Rs.10,000/- (Rupees ten thousand only) and the amount of differential tax for additional seats added by her over and above 31. She shall also furnish an undertaking to the effect that she shall not alienate the vehicle till the completion of the proceedings to be instituted on the basis of the check report. There shall be no order as to costs.

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16.03.2007

Note: Issue operative portion
by wire at party's costs.
kdl

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23.01.2007

kdl